

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,

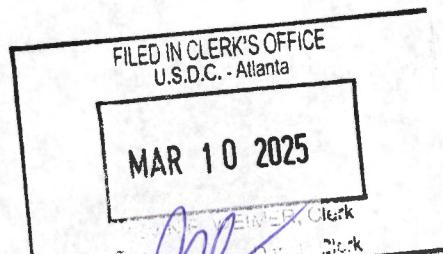
Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.

Civil Action No. 1:24-cv-02911-SDG



AFFIDAVIT OF WENDELL HOLMES IN SUPPORT OF MOTION TO DISMISS

STATE OF GEORGIA

COUNTY OF [Cobb]

I, Wendell Holmes, Jr., being duly sworn, depose and state as follows:

I. INTRODUCTION

1. My name is Wendell Holmes, Jr., and I am the Defendant in the above-styled case.

2. I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge.

3. I submit this affidavit in support of my Motion to Dismiss for Improper Service of Process and Lack of Personal Jurisdiction.

II. IMPROPER SERVICE OF PROCESS

4. Plaintiff attempted to serve me at 5934 Rosie Ln SE, Mableton, GA, which was not my residence at the time of service.

5. At the time of the attempted service, I resided at 717 Waterford Pl, Sandy Springs, GA 30342, and did not receive service at my actual dwelling or usual place of abode.

6. Under O.C.G.A. § 9-11-4(e) and Rule 4 of the Federal Rules of Civil Procedure, service must be made personally or at the Defendant's usual place of abode. Service at an incorrect address is legally defective and does not establish jurisdiction over me.

7. Because I was not properly served, the Court lacks personal jurisdiction over me, and the Complaint should be dismissed.

III. LACK OF PERSONAL JURISDICTION

8. A court cannot exercise jurisdiction over a defendant who has not been legally served. See *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999) (holding that proper service is required before a court can exercise jurisdiction over a defendant).

9. Since the Plaintiff failed to serve me correctly, the case should be dismissed for lack of jurisdiction.

IV. DENIAL OF PLAINTIFF'S CLAIMS (OPTIONAL)

(Include this section only if you want to make it clear that the accusations are false, but note that your primary argument is improper service and lack of jurisdiction.)

10. Plaintiff alleges that I disclosed or distributed intimate images of her without consent.

11. I categorically deny all allegations and affirm that I never sent, or shared any intimate images of Plaintiff with anyone.

12. Plaintiff has not provided any verifiable evidence to support her claims.

V. REQUEST FOR RELIEF

13. Based on the improper service of process and the lack of personal jurisdiction, I respectfully request that this Court:

a. Dismiss Plaintiff's Complaint in its entirety.

b. Grant any other relief the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 9 day of March, 2025.



Wendell Holmes, Jr.

5934 Rosie LN SE

Mableton, GA 30126

(404) 664-2943

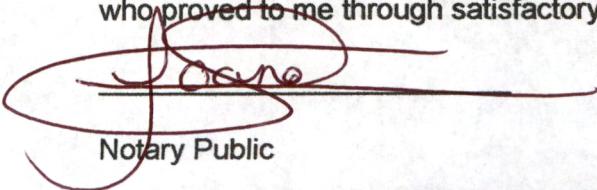
Pro Per (Self-Represented Defendant)

NOTARY PUBLIC SECTION (IF REQUIRED)

STATE OF GEORGIA

COUNTY OF [Cobb]

Sworn to and subscribed before me on this 9 day of March, 2025 by Wendell Holmes, Jr., who proved to me through satisfactory evidence to be the person signing this document.



Notary Public

My Commission Expires: August 26, 2028

